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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,684	03/28/2001	Craig S. Rendahl	47382.000122	3283

29315 7590 04/05/2005

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,684

Applicant(s)

REND AHL ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42, 54 and 59-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42, 54 and 88-103 is/are allowed.
- 6) ☒ Claim(s) 59-65, 67-69, 72-79, 81-83 and 85-87 is/are rejected.
- 7) ☒ Claim(s) 66, 70, 71, 80 and 84 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 59-65, 67-69, 72-79, 81-83, and 85-87 is withdrawn in view of the newly discovered reference(s) to Daly et al., 5948038.

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 59-65, 67-69, 72-79, 81-83, and 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jack et al., 5719396, in view of Daly et al., 5948038.

3. Jack et al. disclose obtaining at least one image from at least one remote emission sensing device and creating one of more records that contain the received data on lines 27-42, on column 4; determining license plate data from the license plate image and transferring the license plate data and the license plate data to at least one record on lines 12-20, on column 8; the emissions data and the vehicle image are forwarded to a remote processing station(52) on lines 7-20, on column 8; the license plate data is determined from the license plate image by an automatic license plate reader(46); date of the missions test is included in the record on lines 8-12, on column 8.

8. Jack et al. does not disclose enabling the at least one record to be edited; editing includes verifying the license plate image matches the license plate data determined by the automatic plate reader; editing includes specifying a license plate type for the

license plate image; editing includes enabling an inaccuracy in the license plate data introduces by the automatic plate reader to be corrected; plate type includes an unreadable plate type; plate type includes state license plate type; plate type includes an out of state plate type; validating means validates the plate data. Daly et al. teach enabling the at least one record to be edited on line 64, on column 9, through line 63, on column 10; editing includes verifying the license plate image matches the license plate data determined by the automatic plate reader on lines 31-55, on column 9; editing includes specifying a license plate type for the license plate image on lines 10-20, on column 5; editing includes enabling an inaccuracy in the license plate data introduces by the automatic plate reader to be corrected on lines 31-55, on column 9; plate type includes an unreadable plate type on lines 32-54, on column 9; plate type includes state license plate type on line 14, on column 5; plate type includes an out of state plate type on line 14, on column 5; validating means validates the plate data on lines 32-55, on column 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the editing of Daly et al. in the invention of Jack et al. because such modification would provide a way to correct errors in the automated system of Jack et al. It is widely know beyond even this art that OCR programs and systems aren't perfect and there needs to be some checking to verify the results.

4. Jack et al. and Daly et al. do not disclose editing is done through a graphic user interface. It is disclosed that the editing is done through some type of computer interface. Official notice is given that graphic user interfaces are well known in the art and the advantages of using them are known. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use a graphic user interface in the invention of Jack et al. and Daly et al. because such modification would provide a simpler and a more user-friendly interface. It would also allow the use of standard computer hardware, which would lower costs.

Allowable Subject Matter

5. Claims 42, 54, and 88-103 are allowed.
6. Claims 66, 70, 71, 80, and 84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art for record does not disclose providing a custody log for maintaining custody information that corresponds to the at least one emissions record that corresponds to the at least one vehicle; determining a category for preselected data contained in the one or more records, wherein the corresponding category indicated a reliability for the associated record, and excluding records from the subsequent processing if the corresponding category indicates that the associated record is unreliable; the record is bypassed if the missions data that corresponds to the at least one vehicle is deemed unreliable; license plate type includes one of tractor trailer plate, motorcycle plate, and bus plate; editing includes enabling an indicator or traffic patterns that pass the remote sensing device to be encoded in the at least one record;

Conclusion

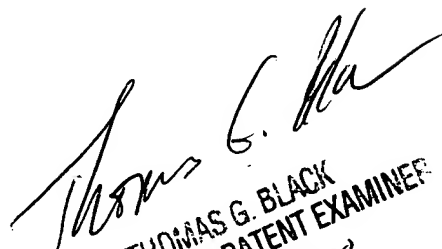
8. In view of the new grounds of rejection this office action is non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


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